

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RHYDEAN C. ZACHERY,

Plaintiff,

V.

MARK REED, et al.,

Defendants.

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CASE NO. 1:13 CV 24

JUDGE DONALD C. NUGENT

MEMORANDUM OF OPINION
AND ORDER

On January 4, 2013, plaintiff *pro se* Rhydean Zachery, an inmate at the Mansfield Correctional Institution, filed this 42 U.S.C. § 1983 action Magistrate Mark Reed, Judge Alan C. Travis and Marlin Connor. These defendants are all employed by the Ohio Court of Claims. While the complaint is very brief, it appears to seek to assert a claim relating to plaintiff's conviction in the Stark County Court of Common Pleas. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

The Supreme Court has held that, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." *Preiser v.*

Rodriguez, 411 U.S. 475, 501 (1973). Further, judges are immune from liability for actions taken within the scope of their official duties. *Pierson v. Ray*, 387 U.S. 547 (1967). There is no suggestion in the complaint that the defendant Magistrate and Judge acted outside the scope of their official duties with regard to the actions of which plaintiff complains.

Accordingly, this action is dismissed under section 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.


DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE